

VIA FACSIMILE (703) 308-5065

PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
	Watterson, et al.)	
)	
Serial No.:	09/943,741)	
)	Art Unit
Filed:	August 30, 2001)	3764
)	
Confirmation No.	8528)	
)	
For:	ELLIPTICAL EXERCISE DEVICE WITH LEAF)	
	SPRING SUPPORT)	
)	
Examiner:	Stephen R. Crow)	

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

VIA FACSIMILE (703) 308-5056
ATTN: BLANCHE MAY – IMAGE ASSISTANCE CENTER
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.181, MPEP § 711.03(c), and the Attachment to the Notice of Abandonment mailed October 12, 2004, Applicants hereby petition to withdraw the holding of abandonment relating to Patent Application Serial No. 09/943,741 based on failure to receive a Notice of Allowance. The Applicants have never received a USPTO Notice of Allowance or a Notice of Allowability in this patent application. The Applicants were not aware that a Notice of Allowance or a Notice of Allowability had been issued until the enclosed Notice of

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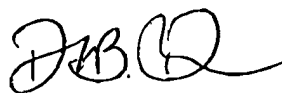
Abandonment was received. The Applicants' counsel has searched the file jacket and docket records relating to Application Serial No. 09/943,741 and both indicate that a Notice of Allowance and a Notice of Allowability have never been received by Applicants' counsel. A copy of the docket record on which the nonreceived Notices of Allowance and Allowability would have been entered and docketed is enclosed. It shows that these Notices have not been received.

It is the Applicants' understanding that no fee is required for granting of this Petition. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178. Duplicate copies of this authorization are enclosed.

In view of the foregoing, Applicants respectfully request that this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action be granted. The Applicants also hereby request that copies of the Notice of Allowance and Notice of Allowability be sent to Applicants' counsel.

Dated this 21 day of October 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

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LC0000001748V001